

**LEGISLATIVE, RULES & GOVERNMENTAL OPERATIONS COMMITTEE**

**LEGISLATIVE AGENDA**

**NOVEMBER 22, 2022**

***Committee Members: Supervisors Strough, Driscoll, Conover, Frasier, Thomas, McDevitt and Seeber  
Chair of the Board shall serve as an Ex-Officio member when needed in accordance  
with Section C(4) of the Rules of the Board***

- I. Committee meeting called to order by Committee Chair
- II. Approval of minutes of prior Committee meeting - *October 25, 2022*
- III. Privilege of the Floor/Public Comment
- IV. Action Agenda/New Business Items:
  - 1) Creation of Records Access Officer: Discuss the creation of a separate Records Access Officer - position would process FOIL requests and other records request.
    - a. Discuss records request fulfillment - use of software NextRequest.
  - 2) FOIL Policy: Review
    - a. Current software and redactions.
  - 3) Computer Use Policy: Review and approval of draft revised Computer Use Policy.
- V. Discussion Items: None.
- VI. Referrals/Pending Items:

**LEGISLATIVE:**

  - 1) Suggested creation of a separate per diem FOIL (*Freedom of Information Law*) Officer position - discussion to continue on options available, as well as what documents are available to Supervisors outside of FOIL. (05.17.22)
  - 2) Reimbursements to Supervisors for non-education related expenses. County Administrator and County Attorney to draft a listing of "official duties" for Supervisors to be presented for consideration at a future meeting. (05.17.22)
  - 3) Consideration of adding Juneteenth as an official County holiday. (05.17.22)
  - 4) Adirondack Park Local Government Review Board resolution opposing Senate Bill 1145, Conservation Subdivision Design. (05.17.22)
- VII. Privilege of the Floor to discuss any additional items to come before the Committee
- VIII. Motion to adjourn

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*Attachments:*

- 1) *Informal Survey of NYS Counties: Records Access Officer (Action Agenda/New Business Item 1)*
- 2) *FOIL Policy Draft dated 7/26/22; FOIL Policy draft-redlined dated 7/22/22 (Action Agenda/New Business Item 2)*
- 3) *Computer Usage Policy draft dated 7/26/22; Computer Usage Policy draft-redlined dated 7/22/22 (Action/New Business Item 3)*
- 4) *APLGRB Resolution 2 of 2022 (Referral/Pending Item 4)*

Informal Survey of NYS County Clerks

	A	B
1	<b>County</b>	<b>FAO</b>
2	<b>Broome</b>	<b>Legislative Clerks</b>
3	<b>Cayuga</b>	<b>Clerk of the Legislature</b>
4	<b>Chautaugua</b>	<b>Assistant County Attorney designated to Department</b>
5	<b>Clinton</b>	<b>County Admin</b>
6	<b>Columbia</b>	<b>Clerk of the Board, but elected officials handle for their departments</b>
7	<b>Essex</b>	<b>County Attorney</b>
8	<b>Cortland</b>	<b>Legislative Clerk</b>
9	<b>Delaware</b>	<b>Clerk of the Board</b>
10	<b>Dutchess</b>	<b>Departments</b>
11	<b>Genesee</b>	<b>Departments, county clerk is appeal officer</b>
12	<b>Greene</b>	<b>County Attorney</b>
13	<b>Livingston</b>	<b>County Admin or Attorney</b>
14	<b>Montgomery</b>	<b>County Clerk</b>
15	<b>Niagara</b>	<b>Legislative Clerks</b>
16	<b>Onondaga</b>	<b>Law Department</b>
17	<b>Otsego</b>	<b>Clerk of the BOS--Departments</b>
18	<b>Rockland</b>	<b>Departments</b>
19	<b>Schenectady</b>	<b>FOIL Officer, some Departments do own (BOE)</b>
20	<b>Steuben</b>	<b>Clerk of Legislature, all except DSS &amp; Mental Health</b>
21	<b>Tioga</b>	<b>FOIL Officer with paralegal</b>
22	<b>Tompkins</b>	<b>county administrator</b>
23	<b>Washington</b>	<b>Departments, County clerk is appeal office</b>
24	<b>Westchester</b>	<b>Departments, appeals to County Attorney</b>
25	<b>Yates</b>	<b>County Attorney</b>
26		
27	<b><u>SUMMARY</u></b>	
28	<b>County Clerk</b>	<b>1</b>
29	<b>County Administrator</b>	<b>2 &amp; 1 split</b>
30	<b>Clerk of Board/Legislature</b>	<b>6 &amp; 1 splits</b>
31	<b>County Attorney</b>	<b>4 &amp; 3 splits</b>
32	<b>Departments</b>	<b>5 &amp; 3 splits</b>
33	<b>FOIL Officer</b>	<b>1 &amp; 1 split</b>

**SCHEDULE “A”**  
**WARREN COUNTY POLICY FOR RESPONDING TO**  
**FREEDOM OF INFORMATION LAW**  
**REQUESTS FOR RECORDS**

**SECTION 1: PURPOSE AND SCOPE.**

1. The people’s right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
2. These regulations provide information concerning the procedures by which records may be obtained.
3. Personnel shall furnish to the public the information and records required by the Freedom of Information Law (hereafter, “FOIL”), as well as records otherwise available by law.
4. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

**SECTION 2: DEFINITIONS.**

1. “Requester” is the person or entity requesting records from the agency.
2. “RAO” shall mean the Record Access Officer.
3. “FOIL Responses” shall mean a response to a FOIL Request which approved by either the RAO, DRAO, or both prior to release to a Requester.

**SECTION 3: DESIGNATION OF RECORDS ACCESS OFFICER.**

1. The Warren County Board of Supervisors is responsible for ensuring compliance with Article VI of the Public Officer’s Law and the requirements of this Local Law herein, and hereby designates the following person or position as records access officer for Warren County (hereafter, “RAO”):
  - A. County Administrator  
Warren County Municipal Center  
1340 State Route 9  
Lake George, New York 12801  
Email Requests to: \_\_\_\_  
Submit requests at: <https://warrencountyny.gov/form/contact-foil>
  - B. The RAO possesses primary responsibility for implementing and supervising the policy and procedures set forth by this FOIL policy and responding to FOIL Responses, except as further delegated in Section 2(2) & (3). The RAO shall designate as designees, employees assigned to the County Administrator’s Office, to assist and support the RAO to complete daily tasks required to receive and respond to FOIL Requests, to include, but not limited to receiving, logging, distributing, tracking, communicating and transmitting all County FOIL responses.
2. The Warren County Board of Supervisors also designates the following County elected officers as Deputy Records Access Officers (hereafter, “DRAO”) for their respective departments who shall be responsible for ensuring compliance with the County’s FOIL policy, as well as Article VI of the Public Officers Law for their respective Departments and shall receive FOIL Requests from the RAO, or designee, and provide FOIL Responses with redactions, if required, to the RAO, or his designee, for final release to the Requester:

- A. Warren County Clerk;
  - B. Warren County District Attorney;
  - C. Warren County Sheriff;
  - D. Warren County Treasurer.
3. The Warren County Board of Supervisors also designates the following appointed County Department Heads as DRAOs for their respective departments who shall be responsible for ensuring compliance with the FOIL policy, as well as Article VI of the Public Officers Law for their respective Departments and shall receive FOIL Requests from the RAO, or designee, and provide FOIL Responses with redactions, if required, to the RAO, or his designee, for final release to the Requester:
- A. Commissioner, Department of Public Works;
  - B. Commissioner, Department of Social Services;
  - C. Commissioners, Board of Elections (Democrat & Republican);
  - D. Clerk of the Board of Supervisors for County Supervisor(s);
  - E. Department Head, Building Code Enforcement;
  - F. Department Head, Office of the Aging;
  - G. Department Head, Health Services; and
  - H. Director, Human Resources.
4. The RAO, or designee, as well as the DRAOs and their designees, shall comply with the requirements of Article VI of the Public Officers Law and this FOIL Policy, and ensure compliance by any other County personnel:
5. The RAO shall:
- i. Maintain an up-to-date subject matter list for the County of Warren; and
  - ii. Assist a Requester seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records; and
  - iii. Contact a Requester seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested and
  - iv. Upon locating the records responsive to the request, take one of the following actions:
    - 1. Make records available for inspection; or,
    - 2. Deny access to the records in whole or in part and explain in writing the reasons therefor.
  - v. Upon request for copies of records:
    - 1. Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
    - 2. Permit the requester to copy those records.
  - vi. Upon request, certify that a record is a true copy; and
  - vii. Upon failure to locate records, certify that:
    - 1. Warren County is not the custodian for such records, or
    - 2. The records of which Warren County is a custodian cannot be found after diligent search.

### **SECTION 3: LOCATION.**

Records shall be available for public inspection and copying, *by appointment only, scheduled by the Requester with the RAO or designee* at:

WARREN COUNTY CLERK'S OFFICE  
WARREN COUNTY MUNICIPAL CENTER  
1340 STATE ROUTE 9  
LAKE GEORGE, NEW YORK 12845

**SECTION 4: HOURS FOR PUBLIC INSPECTION.**

Requests for public access to paper records shall be accepted and records produced during all hours regularly open for business, *upon making an appointment*. For the purpose of making an appointment, please contact:

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

**SECTION 5: REQUESTS FOR PUBLIC ACCESS TO RECORDS.**

1. A written request shall be required for all record requests in a form provided by the RAO.
2. If records sought are maintained on the internet, the requester shall be informed that the records are available and accessible via the internet.
3. If the requester chooses to receive a response from the County which would require the printing of documents available on the internet, or provided upon an electronic storage medium, then the request shall also be told the costs for such production and shall tender payment prior to release of the records printed on paper or upon an electronic storage device..
4. A response shall be given within five business days of receipt of a request by:
  - a. Informing a Requester requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
  - b. Granting or denying access to records in whole or in part;
  - c. Acknowledging the receipt of a request, in writing, and include an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
  - d. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
5. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

6. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
  - a. Fails to grant access to the records sought, denies access in writing, or acknowledge the receipt of a request within five business days of the receipt of a request;
  - b. Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
  - c. Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
  - d. Fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
  - e. Determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
  - f. Does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
  - g. Responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

#### **SECTION 6: SUBJECT MATTER LIST**

1. The RAO shall rely upon Resolution \_\_\_ of 2022 (hereafter, "Subject Matter List") as the agency's reasonably detailed current list by subject matter of all records in the agency's possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
2. The Subject Matter List shall be sufficiently detailed to permit identification of the category of the record sought.
3. The Subject Matter List shall be updated annually. The most recent update shall appear on the first page of the Subject Matter List.

#### **SECTION 7: DENIAL OF ACCESS TO RECORDS**

1. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who shall be identified by name, title, business address and business phone number.
2. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
3. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Lawrence Elmen, Esq., or his designee

WARREN COUNTY ATTORNEY'S OFFICE Warren County Municipal Center 1340 State Route 9 Lake George, New York 12845 Phone: 518-761-

4. Any person denied access to records may appeal within thirty days of the date the denial was issued.
5. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
  - a. the date and location of requests for records;
  - b. a description, to the extent possible, of the records that were denied; and

- c. the name and return address of the person denied access.
6. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
7. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

8. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

#### **SECTION 8: 8 Fees:.**

1. There shall be no fee charged for:
  - a. Inspection of records;
  - b. Search for records; or
  - c. Any certification pursuant to this part.
2. Copies may be provided without charging a fee.
3. Fees for copies may be charged, provided that:
  - a. The fee for copying records shall not exceed 0.20 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 0.20 cents for such copies;
  - b. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
  - c. An agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
4. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - a. An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - b. The actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - c. The actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
5. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (4)(a) and (b) above.

6. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
7. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
8. An agency may waive a fee in whole or in part when making copies of records available.

**SECTION 9: Public notice.**

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

**Section 10: Severability.**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

[END OF POLICY]

## PUBLIC NOTICE

YOU HAVE A RIGHT TO SEE PUBLIC RECORDS: The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records. Warren County has adopted a local law governing when, where, and how you can see public records. The local law can be seen at all places where records are kept.

According to the local law, records can be seen and copied at the following location, upon appointment only:

WARREN COUNTY CLERK'S OFFICE  
WARREN COUNTY MUNICIPAL CENTER  
1340 STATE ROUTE 9  
LAKE GEORGE, NEW YORK 12845

The following officials will help you to exercise your right to access:

### 1. Records Access Officer:

County Administrator  
Warren County Municipal Center  
1340 State Route 9  
Lake George, New York 12801  
Email Requests to: \_\_\_\_\_  
Submit requests at: <https://warrencountyny.gov/form/contact-foil>

### 2. Appeals Officer:

If you are denied access to a record and you believe the denial was made in error, then you may appeal to the following person:

WARREN COUNTY ATTORNEY (or a designee)  
Warren County Attorney's Office  
Warren County Municipal Center  
1340 State Route 9  
Lake George, NY 12801  
Submit email requests to: \_\_\_\_\_  
Submit appeals to: <https://warrencountyny.gov/form/contact-foil>

**SCHEDULE "A"**  
**WARREN COUNTY POLICY FOR RESPONDING TO  
FREEDOM OF INFORMATION LAW  
REQUESTS FOR RECORDS**

**SECTION 1: PURPOSE AND SCOPE.**

1. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
2. These regulations provide information concerning the procedures by which records may be obtained.
3. Personnel shall furnish to the public the information and records required by the Freedom of Information Law (hereafter, "FOIL"), as well as records otherwise available by law.
4. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

**SECTION 2: DESIGNATION OF RECORDS ACCESS OFFICER.**

1. The Warren County Board of Supervisors is responsible for insuring compliance with the regulations herein, and designates the following person or position as records access officer (hereafter, "RAO"):

A. County Administrator

Warren County Municipal Center  
1340 State Route 9  
Lake George, New York 12801  
Email Requests to: \_\_\_\_\_  
Submit requests at: <https://warrencountyny.gov/form/contact-foil>

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B. The RAO possesses primary responsibility for implementing and supervising the policy and procedures set forth by this FOIL policy and responding to FOIL Responses, except as further delegated in Section 2(2) & (3). The RAO shall designate as designees, employees assigned to the County Administrator's Office, to assist and support the RAO to complete daily tasks required to receive and respond to FOIL Requests, to include, but not limited to receiving, logging, distributing, tracking, communicating and transmitting all County FOIL responses.

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2. The Warren County Board of Supervisors also designates the following County elected officers as Deputy Records Access Officers (hereafter, "DRAO") for their respective departments who shall be responsible for insuring compliance with the regulations for their Departments and shall receive FOIL Requests from the RAO, or designee, and provide FOIL Responses with redactions, if required, to the RAO, or his designee, for final release to the Requester:

A. Warren County Clerk;

B. Warren County District Attorney;

C. Warren County Sheriff;

D. Warren County Treasurer.

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3. The Warren County Board of Supervisors also designates the following appointed County Department Heads as DRAOs for their respective departments who shall be responsible for insuring compliance with the FOIL regulation for their Departments and shall receive FOIL Requests from the RAO, or designee, and provide FOIL Responses with redactions, if required, to the RAO, or his designee, for final release to the Requester:

- A. Commissioner, Department of Public Works;
- B. Commissioner, Department of Social Services;
- C. Commissioners, Board of Elections (Democrat & Republican);
- D. Clerk of the Board of Supervisors for County Supervisor(s);
- E. Department Head, Building Code Enforcement;
- F. Department Head, Office of the Aging;
- G. Department Head, Health Services; and
- H. Director, Human Resources.

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~~2.4.~~ ~~The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.~~

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~~3.5.~~ ~~The RAO, or designee, records access officer shall comply with the requirements of Article VI of the Public Officers Law: Freedom of Information Law Act and ensure that the RAO, and when appropriate the DRAOs, or other agency personnel:~~

- i. ~~Maintain an up-to-date subject matter list for the County of Warren; and-~~
- ii. ~~Assist a Requester persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records; and-~~
- iii. ~~Contact a Requester persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested and-~~
- iv. ~~Upon locating the records responsive to the request, take one of the following actions:~~
  - 1. ~~Make records available for inspection; or,~~
  - 2. ~~Deny access to the records in whole or in part and explain in writing the reasons therefor.~~
- v. ~~Upon request for copies of records:~~
  - 1. ~~Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,~~
  - 2. ~~Permit the requester to copy those records.~~
- vi. ~~Upon request, certify that a record is a true copy; and~~
- vii. ~~Upon failure to locate records, certify that:~~
  - 1. ~~Warren County is not the custodian for such records, or~~
  - 2. ~~The records of which Warren County is a custodian cannot be found after diligent search.~~

~~2.~~

### **SECTION 3: LOCATION.**

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~~Records shall be available for public inspection and copying, by appointment only, scheduled by the Requester with the RAO or designee-Record Access Officer, at:~~

WARREN COUNTY CLERK'S OFFICE  
 WARREN COUNTY MUNICIPAL CENTER  
 1340 STATE ROUTE 9  
 LAKE GEORGE, NEW YORK 12845

### **SECTION 4: HOURS FOR PUBLIC INSPECTION.**

Requests for public access to paper records shall be accepted and records produced during all hours regularly open for business, *upon making an appointment*. For the purpose of making an appointment, please contact:

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

#### SECTION 5: REQUESTS FOR PUBLIC ACCESS TO RECORDS.

1. A written request ~~may~~ shall be required for all record requests in a form provided by the RAO, ~~but oral requests may be accepted when records are readily available.~~
2. If records sought are maintained on the internet, the requester shall be informed that the records are available and accessible via the internet.
- 2.3 If the requester chooses to receive a response from the County which would require the printing of documents available on the internet, or provided upon an electronic storage medium, then the request shall also be told the costs for such production and shall tender payment prior to release of the records printed on paper or upon an electronic storage device, and in printed form either on paper or other information storage medium.
- 3.1 A response shall be given within five business days of receipt of a request by:
  - a. Informing a Requester ~~person~~ requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
  - b. Granting or denying access to records in whole or in part;
  - c. Acknowledging the receipt of a request, in writing, and including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part;
  - d. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- 4.5 In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- 5.6 A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
  - a. Fails to grant access to the records sought, denies access in writing, or acknowledge the receipt of a request within five business days of the receipt of a request;
  - b. a Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

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- c. ~~F~~urnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- d. ~~F~~ails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
- e. ~~D~~etermines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- f. ~~D~~oes not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
- g. ~~R~~esponds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

**SECTION ~~ection 6:~~ SUBJECT MATTER LIST-Subject matter list:**

1. The ~~RA~~records access officer shall rely upon Resolution \_\_\_\_\_ of 2022 (hereafter, "Subject Matter List") as the agency's maintain a reasonably detailed current list by subject matter of all records in the agency's possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
2. The ~~S~~ubject ~~m~~Matter ~~L~~ist shall be sufficiently detailed to permit identification of the category of the record sought.
3. The ~~s~~ubject ~~m~~Matter ~~L~~ist shall be updated annually. The most recent update shall appear on the first page of the ~~S~~ubject ~~m~~Matter ~~L~~ist.

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**SECTION ~~ection 7:~~ DENIAL OF ACCESS TO RECORDS~~enial-of-access-to-records:~~**

1. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, ~~[who or which]~~ who shall be identified by name, title, business address and business phone number.
2. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
3. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:  
(name)  
Lawrence Elmen, Esq., or his designee  
~~3-~~ WARREN COUNTY ATTORNEY'S OFFICE(job  
title)  
Warren County Municipal Center(business address)  
1340 State Route 9  
Lake George, New York 12845(phone #)  
Phone: 518-761-
4. Any person denied access to records may appeal within thirty days of the date the a-denial was issued.
5. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
  - a. the date and location of requests for records;
  - b. a description, to the extent possible, of the records that were denied; and
  - c. the name and return address of the person denied access.

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- 6. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- 7. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

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Committee on Open Government  
 Department of State  
 One Commerce Plaza  
 99 Washington Avenue, Suite 650  
 Albany, NY 12231

- 8. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

**SECTION 8: Section 8 Fees:**

- 1. There shall be no fee charged for:
  - a. Inspection of records;
  - b. Search for records; or
  - c. Any certification pursuant to this part.
- 2. Copies may be provided without charging a fee.
- 3. Fees for copies may be charged, provided that:
  - a. The fee for copying records shall not exceed 0.250 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 0.250 cents for such copies;
  - b. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
  - c. An agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- 4. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - a. An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - b. The actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - c. The actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- 5. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (4)(a) and (b) above.
- 6. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

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7. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
8. An agency may waive a fee in whole or in part when making copies of records available.

**SECTION ~~ection 9~~: Public notice~~ublic notice~~:**

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

**Section~~ection~~ 10: Severability:**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

[END OF POLICY]

**MODEL PUBLIC NOTICE**

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**YOU HAVE A RIGHT TO SEE PUBLIC RECORDS:** The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records. Warren County has adopted a local law governing when, where, and how you can see public records. The local law can be seen at all places where records are kept.

According to the local law, records can be seen and copied at the following location, upon appointment only:

WARREN COUNTY CLERK'S OFFICE  
WARREN COUNTY MUNICIPAL CENTER  
1340 STATE ROUTE 9  
LAKE GEORGE, NEW YORK 12845

The following officials will help you to exercise your right to access:

**1. Records Access Officer:**

County Administrator  
Warren County Municipal Center  
1340 State Route 9  
Lake George, New York 12801  
Email Requests to: \_\_\_\_  
Submit requests at: <https://warrencountyny.gov/form/contact-foil>

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**2. Appeals Officer:**

If you are denied access to a record and you believe the denial was made in error, then you may appeal to the following person:

WARREN COUNTY ATTORNEY (or a designee)  
Warren County Attorney's Office  
Warren County Municipal Center  
1340 State Route 9  
Lake George, NY 12801  
Submit email requests to: \_\_\_\_  
Submit appeals to: <https://warrencountyny.gov/form/contact-foil>

# **WARREN COUNTY COMPUTER USAGE POLICY**

## **I. PURPOSE**

All computers, servers, cellular phones, storage devices, software, Internet connections, computer applications, voice mail systems, e-mail systems, and any other device used to connect to the County's computer network (collectively referred to as the "computer network") which are supplied by Warren County for use by County employees and agents and are owned and/or licensed by the County of Warren and made available to employees and agents at the sole and unilateral discretion and pleasure of the County of Warren. The County of Warren provides the computer network and access to the computer network for use by employees and agents solely for conducting and engaging in official County business activities only. No County employee or agent possesses any current or future rights in any data, information, programs or files created, modified, and/or stored on the computer network and all such data, information, programs, and files are and remain the sole legal property of the County of Warren.

As established by Board of Supervisors Resolution 409 of 2014, the County's computer network system and voice mail systems are intended for the business use of Warren County personnel and agents. Any use of the computer network by any other persons, unless specifically and expressly permitted by Warren County is unauthorized. All records (including email and voice mail and other messages) generated or stored on the computer network are County-owned records. The County reserves the right to access and disclose, at any time and for any purpose, all records sent over or stored in its computer and/or systems. The use of the County computer network constitutes that person's consent to the County's right to access and disclose data from the computer network.

While our direct connection to the internet offers a cornucopia of potential benefits in performing our day-to-day work activities, it also opens the door to significant risks to our data and systems if we do not follow appropriate security measures and discipline while interacting with our computer systems. As presented in greater detail below, security may require that computers with sensitive data or applications, shall not connect to the internet, have restricted access to the internet, or that certain officers and employees must be prevented from using certain Internet features like file transfers. The overriding principle is that computer security is everyone's first concern. An officer or employee may be held accountable for any breaches of the security measures set forth by this policy, or for violating confidentiality requirements through the unauthorized release of County-owned computer information and data.

Certain terms used this policy should be understood in their customary usage and be read to include the broadest possible meaning and to include their related concepts:

- "Computer network" means All computers, servers, cellular phones, storage devices, software, Internet connections, computer applications, voice mail systems, e-mail systems, and any other device used to connect to the County's computer network
- "Document" covers just about any kind of file that can be read on a computer screen as if it were a printed page and includes any electronically stored data, including HTML files read on an Internet browser, any file meant to be accessed by a word processing or desk-

top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools.

- “Data” means any information, knowledge, facts, concepts or instructions which is processed on a computer network and includes data in any form, whether readable by a computer or a human and wherever stored on the County’s computer network.
- “Graphics” includes photographs, pictures, animations, movies, or drawings.
- “Display” includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

The County will provide Internet access to those employees who demonstrate a legitimate business need. County employees and agents granted computer access, email access and/or Internet access as part of their employment shall be provided with a copy of this policy and shall acknowledge receipt of this policy and the requirement to know the contents of the policy while employed by the County.

## II. INTERNET POLICY PROVISIONS

### A) Management and Administration

1. The County has software and systems in place that monitor and record all Internet usage. We want you to be aware that our security systems have the potential to record (for each and every user) each World Wide Web site visit, social media usage, email messages, and each file transfer into and out of our internal networks. The County reserves the right to record all such activity which occurs upon the County computer systems and the right to review such activity and data at any time, as provided for by this policy. No employee possesses, or should possess any expectation of privacy as to his or her computer network activity and usage while using the County’s computer network. Periodic review of computer network activity will analyze usage patterns by employees to ensure that the County computer network is used by employees to maintaining the highest levels of productivity, and security.

2. The County reserves the right to inspect any and all files downloaded from any source, to include the Internet, which are stored on the County’s computer network in order to assure compliance with this policy.

3. Since a wide variety of materials may be deemed offensive by co-workers, vendors, suppliers or members of the general public, it is a violation of County policy to store, view, print or redistribute any document or graphic file that is not directly related to the user’s job or the County’s business activities

4. The receipt, storage, or display of any visual depiction of nudity<sup>1</sup> on the County’s computer network is strictly prohibited, unless required for the performance of the employee’s official duty (i.e. law enforcement officers assigned to the Sheriff’s Office). In addition, no visual depiction of nudity, to include pornography or sexually explicit conduct shall be archived, stored,

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<sup>1</sup> As the term is defined by Penal Law section 235.20(2) to mean the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernably turgid state.

distributed, edited or recorded using the County's computer network, unless required for the performance of the employee's official duty.

5. The County actively uses software to identify Internet sites which host or maintain inappropriate and/or sexually explicit visual depictions. The County may block access from within our computer network to all such sites identified by the County. The failure of the County to identify and block access to an Internet site which contains inappropriate and/or sexually explicit material does not permit or condone an employee from accessing such sites while using the County's computer network. If an employee accidentally connects to a website that contains inappropriate and/or sexually explicit material, you must disconnect immediately from that website.

6. This County's computer network shall not be used to violate the laws and regulations of the United States, or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction. Use of the County's computer network for any illegal activity is grounds for disciplinary action, to include possible termination. The County shall cooperate with and comply with all reasonable requests from law enforcement agencies relating to an investigation and/or lawfully-issued subpoena.

7. Employees using the County's computer network shall be aware of laws involving copyright protections, trademarks, libel, and public speech control laws of all agencies in which this County maintains a business presence to avoid County liability from an inadvertent violation of such laws.

8. Employees may download software for direct business use, only after Department Head approval and approval by the Director of Information Technology. The employee and Department Head shall arrange to have such software properly licensed and registered to the County. Any software or files downloaded from the Internet to the County's computer network becomes the property of the County. Any such files or software shall be used only in ways that are consistent with their licenses or copyrights, and for official County business.

9. The County's computer network shall be used for county business only. Prohibited downloads and nefarious uses include but are not limited to: knowingly downloading or distributing pirated software or data; deliberately propagating any virus, worm, Trojan Horse, trap-door program code; crypto-mining; circumventing systems intended to protect the privacy or security of any computer network user; and using the County's computer network to disable or overload any computer system or network, to include the County's.

10. No employee or agent shall use the County's computer network to conduct any form of gambling.

11. Employees and agents shall not use the County's computer network to download entertainment software or games.

12. County employees and agents shall identify themselves honestly, accurately and completely (including one's County affiliation and function when requested) when using the County's computer network, to include, setting up accounts on outside computer systems, required for the performance of the employee's official duty (i.e. law enforcement officers assigned to the Sheriff's Office).

13. The County owns all data and material created and posted by a County employee and agent to any forum, social media or World Wide Web page in the course of their official duties. The County shall own and possess all legal rights to copyright, trademark, license and control the use and distribution of such data and material.

14. Employees and agents shall not upload any software owned by the County or

licensed to the County, without the prior written approval of the employee's Department Head, the written approval of the Department Head responsible for such software, and the Director of Information Technology.

15. Any on-line presence (i.e. social media page for business purposes) must first be approved by the Department Head, Director of Information Technology, County Administrator and the Oversight Committee for the employee's department. Content posted shall require access and oversight by the Department Head and the Director of Information Technology, or other persons designated by the Director.

16. Employees and agents are reminded that social media is a public forum where it is inappropriate to reveal confidential County information. Employees and agents releasing protected information via social media - whether or not the release was inadvertent - may be subject to disciplinary action, to include termination of employment, as stated by County policies and procedures.

17. Use of the County's computer network to violate County policies or commit criminal acts or non-criminal violations, such as misuse of County resources, sexual harassment, and misappropriation or theft of County property are strictly prohibited by this policy and other related County policies.

18. E-mail is a strategic business tool to facilitate communication between County employees, other State and local municipal employees, County vendors, customers, business, and members of the general public. Warren County's e-mail systems are the exclusive property of the County and are owned by the County or licensed from third-party vendors. E-mail systems and the data created are the sole and exclusive property of the County. and are intended to be used for official County business. All messages sent or received via e-mail are County property. It is against County policy to use e-mail for any unlawful endeavor.

## **B) Technical**

1. User ID's and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains a password or ID for an Internet resource must keep that password confidential. County policy prohibits the sharing of user ID's or passwords obtained for access to Internet sites.

2. Employees and agents should schedule communications-intensive operations such as large file transfers, video downloads, and the like for off-peak times and only after approval from Director of Information Technology.

3. Mass emailing (other than email groups created for business purposes) should not be done from a county email address. If there is a business-related need for mass emails, the Information Technology department should be consulted as to identify an appropriate third-party service.

## **C) Security**

1. The County has installed a variety of firewalls, proxies, Internet address screening programs and other security systems to assure the safety and security of the County's networks. Any employee or agent who attempts to disable, defeat or circumvent any County security facility (for example, by utilizing a personal VPN) will be subject to immediate disciplinary action.

2. No employee or agent shall transfer any sensitive computer network data outside

the County's computer network without Department Head approval, and only for official business purposes within the scope of the employee's duties and responsibilities. No elected officer, appointed officer, or Department Head shall transfer any sensitive computer network data outside the County's computer network unless for official business purposes. All transfers of sensitive County computer network data outside the County's computer network shall be encrypted prior to distribution, whether sent by way of the Internet or upon other physical storage devices. 3.

Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer's private connection to any outside computer can be used by an attacker to compromise any County network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the County's internal networks.

4. Only those Internet services and functions with documented business purposes for this County will be enabled at the Internet firewall.

5. No employee is permitted to connect to the County's computer network from an outside source, such as Webpage or VPN, unless:

- The connection is authorized by the Department Head and the IT Department; and
- The connection is established using the two-factor authentication ("2FA") required for the County's computer network; and
- The connection using 2FA must be made using an approved County device (no personally owned devices); and
- Any exceptions to these requirements may be made under exceptional circumstances, and on a case-by-case basis with the pre-approval of the Department Head and IT Department (i.e. County-wide emergency requiring increased access through non-County approved devices).

### **III. PASSWORD REQUIREMENTS**

1. All passwords used by employees to accessing County network, data or information systems must be kept secure. As such the following specific criteria must be met:

- a. Passwords are not to be written down or stored in an unencrypted form;
- b. Temporary passwords must be changed upon first use;
- c. Passwords must be a minimum of 8 characters in length; and
- d. Passwords must also meet the following requirements;
  - i. They do not contain all or part of the user's account name or common word; and
  - ii. Passwords must contain characters from each of the following 3 categories:
    - 1) English uppercase characters (A through Z);
    - 2) English lowercase characters (a through z); and
    - 3) Base 10 digits (0 through 9).

#### IV. ACCESS TO COMPUTER NETWORK DATA

- A) County employees may access data from the computer network which is necessary for the employee to perform the official business of the County within their assigned duties and responsibilities, as determined by the employee's Department Head or County Administrator. Accessing County data from the computer network for any non-official business purpose or data outside an employee's assigned duties and responsibilities is strictly prohibited and may result in disciplinary action.
- B) For official business purposes only, County Department Heads may access data from the computer network for any employee under their Department's supervision.
- C) For official business purposes only, the County Administrator, Director of Human Resources or County Attorney may direct the Director of Information Technology to search, retrieve and provide data from the computer network based upon any County employee's name or other unique method of identification (i.e. email address, employee identification number, etc.), except for County elected officers, upon providing, in writing, the specific business purpose for which the data is required.
- D) The County Administrator, Director of Human Resources, or County Attorney may access data from the computer network for any elected County officer only by use of the following procedure:
  - 1. Provide a written request to the Director of Information Technology for computer network data based upon the name or other unique method of identification for a specific elected County officer stating the specific business purpose for which the data is required (i.e. FOIL response, lawsuit discovery disclosures, etc.);
  - 2. Contemporaneously provide a copy of the written request to the elected official;
  - 3. Obtain the written consent of the County Administrator, Director of Human Resources and/or County Attorney, prior to releasing the computer network data requested.
  - 4. This limitation on accessing computer network data for a specific County elected official shall not apply to IT-assisted searches for data using keywords which are not an elected official's name or other individual method of identification (i.e. email address, employee identification number, etc.).
- E) For official business purposes only, the Chairperson of the Board of Supervisors may direct the Director of Information Technology to access data from the computer network for the County Administrator, Clerk of the Board of Supervisors, County Attorney, County Auditor, County Public Defender, and County Purchasing Agent, or for any employee of those Departments, only by use of the following procedure:
  - 1. Provide a written request to the Director of Information Technology for computer network data based upon the name or other unique method of identification for a specified appointed County officer stating the specific business purpose for which the data is required;
  - 2. Obtain the written consent of the Chairperson of the Personnel Committee, County Administrator, Director Human Resources, and County Attorney. No consent shall be required from an appointed County officer if they are the employee whose data is being requested.
  - 3. If the computer network data of the County Attorney, District Attorney, Public

Defender, or its employees is being requested by the Chairperson, then the Director of Information Technologies shall release the data directly to the County's outside retained counsel for labor relations for a confidential review of the data to ensure no release of attorney-client communications or other privileged work product and confidential information is released to the Chairperson, and all attorney-client communications or other privileged work product and confidential information shall be removed or redacted, prior to release to the Chairperson for the Board of Supervisors.

- F) Unauthorized access to the County's computer network and data by an employee or agent is strictly prohibited and may result in disciplinary action.
- G) Nothing in this policy restricts or limits access to the County's computer network data and obligation to comply with a lawfully issued Court-ordered search warrant or lawfully issued and served subpoena *duces tecum*.

[REMAINDER OF PAGE INTENTIONALLY OMITTED]

Please read and sign the following statement and return the original signature page to IT.

“I have received and reviewed a complete written copy of Warren County’s Computer Usage Policy, effective August, \_\_, 2022, per Board of Supervisors Resolution \_\_\_ of 2022 (hereafter, “Computer Policy”). I fully understand and acknowledge the terms of this Computer Policy and shall abide by each any every requirement stated by the Computer Policy.

I acknowledge and accept that the County’s security software will record data I create, modify, store and transmit on the County’s computer network, as well as the Internet address/IP address of any Internet site that I visit and will keep a record of all network activity in which I transmit or receive any kind of data.

I acknowledge and accept that any message or data I send or receive, to include but not limited to emails and text messages on the County’s computer network, will be recorded and stored in an archival system and may be access by authorized County employee’s or agents for use by management.

I acknowledge and accept that violations of the Computer Policy may result in disciplinary action or even criminal prosecution under State or Federal criminal laws.

I acknowledge and agree that any use of County owned, leased or licensed computer equipment and/or software for Internet access constitutes consent to the County’s monitoring, recording and inspection of all data, to include but not limited to downloaded files, e-mails, and text messages, as set forth in this policy.”

---

**Signed** **Date**

---

**Print Name** **Department**

# WARREN COUNTY COMPUTER USAGE POLICY

## I. PURPOSE Introduction

Username: last name first initial  
Password: pass (To change password hit ctrl+alt+delete)  
E-mail address: last name first initial@warrencountyny.gov

All the computers, servers, cellular phones, storage devices, software, Internet connections, computer applications, voice mail systems, and e-mail systems, and any other device used to connect to the County's computer network (collectively referred to as the "computer network") which are supplied by Warren County for use by Warren County officials and/or employees and agents and are owned and/or licensed by the County of Warren and made available to employees and agents at the sole and unilateral discretion and pleasure of the County of Warren. The County of Warren provides the computer network and access to the computer network for use by employees and agents solely for conducting and engaging in official County business activities only for use by Warren County. No County employee or agent possesses any current or future rights in any data, information, programs or files created, modified, and/or stored on the computer network and all such data, information, programs, and files are and remain the sole legal property of the County of Warren.

As established by Board of Supervisors Resolution 409 of 2014, the County's computer network system and voice mail systems are intended for the business use of Warren County personnel and agents. Any use of the computer network by any other persons, unless specifically and expressly permitted by Warren County is unauthorized. All records (including email and voice mail and other messages) generated or stored on the computer network are County-owned records. The County reserves the right to access and disclose, at any time and for any purpose, all records sent over or stored in its computer and/or systems. The use of the County computer network constitutes that person's consent to the County's right to access and disclose data from the computer network.

While our direct connection to the internet offers a cornucopia of potential benefits in performing our day-to-day work activities, it can also open the door to some significant risks to our data and systems if we do not follow appropriate security measures and discipline while interacting with our computer systems. As presented in greater detail below, security may require that computers that may mean preventing machines with sensitive data or applications, shall not from connecting to the internet, have restricted access to the internet entirely, or it may mean that certain officers and employees users must be prevented from using certain Internet features like file transfers. The overriding principle is that computer security is to be everyone's first concern. An officer or employee may Internet user can be held accountable for any breaches of the security measures set forth by this policy, or for violating confidentiality requirements through the unauthorized release of County-owned computer information and data.

Certain terms in this policy should be understood expansively to include related concepts:-

- **Document** covers just about any kind of file that can be read on a computer screen as if it were a printed page, including HTML files read on an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools.
- **Graphics** includes photographs, pictures, animations, movies, or drawings.
- **Display** includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

The County will provide Internet access to those employees who demonstrate a legitimate business need. All County employees and agents granted computer access, email access and/or Internet access as part of their employment with County facilities will shall be provided with a copy of this policy and shall acknowledge receipt of this policy and the requirement to know the contents of the policy while employed by the County. All internet users must sign the statement at the end of this policy.

## II. INTERNET POLICY PROVISIONS

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## A) Management and Administration

1. The County has software and systems in place that can monitor and record all Internet usage. We want you to be aware that our security systems have the potential to record (for each and every user) each World Wide Web site visit, each chat, newsgroup or social media usage, email messages, and each file transfer into and out of our internal networks. The County, and we reserves the right to record all such activity which occurs upon the County computer systems and the right to review such activity and data do so at any time, as provided for by this policy. No employee possesses, or should possess have any expectation of privacy as to his or her computer network activity and usage while using the County's computer networkInternet usage. Periodic review of Internet computer network activity will analyze usage patterns by employees to assure ensure that the County computer networkInternet resources are devoted is used by employees to maintaining the highest levels of productivity, and security.

2. The CountyWe reserves the right to inspect any and all files downloaded from any source, to include the Internet, which are and stored on the County's computer networkin private areas of our network in order to assure compliance with this policy.

3. Since a wide variety of materials may be deemed offensive by co-workers, vendors, suppliers or members of the general public, it is a violation of County policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the County's business activities

~~34.~~ The receipt, storage, or display of any visual depiction-kind of of nudity<sup>1</sup> sexually explicit image or document on the any County's computer network-system is strictly a violation of our policy on sexual harassmentprohibited, unless required for the performance of the employee's official duty (i.e. Sheriff's Office). In addition, no visual depiction of nudity, to include pornography or sexually explicit conductmaterial may not shall be archived, stored, distributed, edited or recorded using our the County's computer network-or computing resources, unless required for the performance of the employee's official duty.

45. The County actively useshas available independently-supplied software to identify Internet sites which host or maintain inappropriate and/or sexually explicit visual depictionsInternet sites. The CountyWe may block access from within our computer networks to all such sites identified by the County. The failure of the County to identify and block access to an Internet site which contains inappropriate and/or sexually explicit material does not permit or condone an employee from accessing such sites while using the County's computer network. If an employee you find yourself connected accidentally connects to a website that contains inappropriate and/or sexually explicit-or offensive material, you must disconnect immediately from that website, immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.

56. This County's computer networkInternet facilities and computing resources mustshall not be used knowinglyto violate the laws and regulations of the United States, or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction, in any material way. Use of any the County's computer network resources for any illegal activity is grounds for disciplinary action, to include possible termination. The County shall-and we will cooperate with and comply with all any-legitimate reasonable requests from law enforcement agencies relating to an investigation and/or lawfully-issued subpoenaactivity.

Employees using the County's computer network shall be aware of laws involving with Internet access must take particular care to understand the copyright protections, trademarks, libel, slander and public speech control laws of all agencies in which this County maintains a business presence to avoid County liability from a-so that our use of the Internet does not inadvertently violate of such laws any laws which might be enforceable against us.

67. Employees with Internet access may download software for with direct business use, only after Department Head approval and approval review by the Director of Information Technology. The employee and Department Head shall, and must arrange to have such software properly licensed and registered to the County. Downloaded software must be used only under the terms of its license. Any software or files downloaded from via the Internet into the County's computer network becomes the property of the County. Any such files or software shallmay be used only in ways that are consistent with their licenses or copyrights, and for official County business.

78. The County's computer networkresoure shallare to be used for countv business only.

<sup>1</sup> As the term is defined by Penal Law section 235.20(2) to mean the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernably turgid state.

~~Prohibited downloads and nefarious uses include but are not limited to: No employee may use County facilities knowingly to download or distribute pirated software or data, deliberately propagating any virus, worm, Trojan Horse, trap-door program code, crypto-mining, circumventing systems intended to protect the privacy or security of any computer network user, and using the County's computer network/internet facilities knowingly to disable or overload any computer system or network, to include the County's.~~

~~9. No employee or agent shall use the County's computer network to conduct any form of gambling.~~

~~10. Employees and agents shall not use the County's computer network to download entertainment software or games.~~

~~8. No employee may use the County's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.~~

~~9. No employee may use the County's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.~~

~~11. Each employees and agents using the Internet facilities of the County shall identify themselves honestly, accurately and completely (including one's County affiliation and function when requested) when participating in chats or newsgroups using the County's computer network/Internet facilities of the County, to include, or when setting up accounts on outside computer systems.~~

~~12. The County owns all data and material created and posted by a County employee and agent retains the copyright to any material posted to any forum, newsgroup, chats/social media or World Wide Web page by any employee in the course of their official or her duties. The County shall own and possess all legal right to copyright, trademark, license and control the use and distribution of all such data and material.~~

~~13. Employees and agents shall not upload any software owned by the County or licensed to the County, without the prior written approval of the employee's Department Head, the written approval of the Department Head responsible for such software, and the Director of Information Technology.~~

~~14. Any on-line presence (i.e. social media page for business purposes) must first be approved by the Department Head, Director of Information Technology, County Administrator and the Oversight Committee for the employee's department. Content posted shall require access and oversight by the Department Head and the XXXXX.~~

~~15. Employees and agents are reminded that chats and newsgroups are social media is a public forums where it is inappropriate to reveal confidential County information. Employees and agents releasing protected information via a newsgroup or chats/social media - whether or not the release was inadvertent - will be subject to disciplinary action, to include termination of employment, as stated outlined in by existing County policies and procedures.~~

~~16. Use of the County's computer network/Internet access facilities to violate County policies or commit criminal acts or non-criminal violations, commit infractions such as misuse of County resources, sexual harassment, and misappropriation or theft of County property/related properties are strictly prohibited by general this policy and other related County policies.~~

~~17. E-mail is a strategic business tool to facilitate communication between County employees, other State and local municipal employees, County vendors, customers, business, and members of the general public and other business organizations. Warren County's e-mail systems are the exclusive property of the County and are owned by the County or licensed from third-party vendors. E-mail systems and the data created are the sole and exclusive property of the County, and are intended to be used for official County business. All messages sent or received via e-mail are County property. It is against County policy to use e-mail for any unlawful endeavor.~~

**Additional Provisions:**

~~1. The County will provide Internet access to those employees who demonstrate a legitimate business need.~~

~~2. Since a wide variety of materials may be deemed offensive by colleagues, suppliers or the general public, it is a violation of County policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the County's business activities.~~

~~3. The County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individuals' Internet activities.~~

~~4. Employees with Internet access must take particular care to understand the copyright, trademark, libel, slander and public speech control laws of all agencies in which this County maintains a business presence.~~

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~~so that our use of the Internet does not inadvertently violate any laws which might be enforceable against us.~~

~~5. Employees with Internet access may download software with direct business use, after Department Head approval and review by the Director of Information Technology, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.~~

~~6. Employees with Internet access may not use County Internet facilities to download entertainment software or games.~~

~~7. Employees with Internet access may not use County Internet facilities to download images or videos any electronic file unless there is an explicit business related use for the material.~~

~~8. Employees with Internet access may not upload any software licensed to the County or data owned or licensed by the County without explicit authorization from the Department Head responsible for the software or data.~~

~~9. Any form of computerized gambling is prohibited.~~

~~10. Employees requiring access to otherwise prohibited websites may gain access after Department Head approval and review by the Director of Information Technology.~~

~~11. Any on-line presence (i.e. social media page for business purposes) and its content must first be approved by the Department Head, Director of Information Technology, County Administrator and Oversight Committee with oversight of the Department. Subsequent changes/updates to cContent will require the same approval/oversight of the Department Head.~~

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## **B) Technical**

1. User ID's and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains a password or ID for an Internet resource must keep that password confidential. County policy prohibits the sharing of user ID's or passwords obtained for access to Internet sites.

2. Employees and agents should schedule communications-intensive operations such as large file transfers, video downloads, mass e-mailings and the like for off-peak times and only after approval from Director of Information Technology.

3. Mass emailing (other than email groups created for business purposes) should not be done from a county email address. If there is a business-related need for mass emails, the Information Technology department should be consulted as to identify an appropriate third-party service.

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## **C) Security**

1. The County has installed a variety of firewalls, proxies, Internet address screening programs and other security systems to assure the safety and security of the County's networks. Any employee who attempts to disable, defeat or circumvent any County security facility (for example, by utilizing a personal VPN) will be subject to immediate disciplinary action.

2. Files containing sensitive County data cannot be transferred without Department Head approval and, if approved, information must be encrypted prior to distribution via the Internet.

3. Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer's private connection to any outside computer can be used by an attacker to compromise any County network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the County's internal networks. (Major on-line services such as CompuServe and America Online, and content providers such as Lexis-Nexis, can be accessed via firewall-protected Internet connections, making insecure direct dial-up connections generally unnecessary).

4. Only those Internet services and functions with documented business purposes for this County will be enabled at the Internet firewall.

## **III. Password Policy**

All passwords used by employees to accessing County network, data or information systems must meet or exceed the standards defined by the NYS Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) in the publication PO3-002-V2.1 Information Security Policy; be kept secure.

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As such the following specific criteria must be met:

1. Passwords are not to be written down or stored in an unencrypted form
2. Temporary passwords must be changed upon first use
3. Passwords must be a minimum of 8 characters in length
- ~~4. Passwords must be changed at least every 90 days~~
- ~~5. A password cannot be reused for a minimum of one year~~
64. Passwords must also meet the following requirements
  - They do not contain all or part of the user's account name or common word
  - Passwords must contain characters from each of the following 3 categories:
    - English uppercase characters (A through Z)
    - English lowercase characters (a through z)
    - Base 10 digits (0 through 9)

#### IV. ACCESS TO COMPUTER NETWORK DATA

- A) County employees may access data from the computer network which is necessary for the employee to perform the official business of the County within their assigned duties and responsibilities, as determined by the employee's Department Head or County Administrator. Accessing County data from the computer network for any non-official business purpose or data outside an employee's assigned duties and responsibilities is strictly prohibited and may result in disciplinary action.
- B) For official business purposes only, County Department Heads may access data from the computer network for any employee under their Department's supervision.
- C) For official business purposes only, the County Administrator, Director of Human Resources or County Attorney may direct the Director of Information Technology to search, retrieve and provide data from the computer network based upon any County employee's name or other unique method of identification (i.e. email address, employee identification number, etc.), except for County elected officers, upon providing, in writing, the specific business purpose for which the data is required.
- D) The County Administrator, Director of Human Resources, or County Attorney may access data from the computer network for any elected County officer only by use of the following procedure:
1. Provide a written request to the Director of Information Technology for computer network data based upon the name or other unique method of identification for a specific elected County officer stating the specific business purpose for which the data is required (i.e. FOIL response, lawsuit discovery disclosures, etc.);
  2. Contemporaneously provide a copy of the written request to the elected official;
  3. Obtain the written consent of the County Administrator, Director of Human Resources and/or County Attorney, prior to releasing the computer network data requested.
  4. This limitation on accessing computer network data for a specific County elected official shall not apply to IT-assisted searches for data using keywords which are not an elected official's name or other individual method of identification (i.e. email address, employee identification number, etc.).
- E) For official business purposes only, the Chairperson of the Board of Supervisors may direct the Director of Information Technology to access data from the computer network for the County Administrator, Clerk of the Board of Supervisors, County Attorney, County Auditor, County Public Defender, and County Purchasing Agent, or for any employee of those Departments, only by use of the following procedure:
1. Provide a written request to the Director of Information Technology for computer network data based upon the name or other unique method of identification for a specified appointed County officer stating the specific business purpose for which the data is required;
  2. Obtain the written consent of the Chairperson of the Personnel Committee, County Administrator, Director Human Resources, and County Attorney. No consent shall be required from an appointed County officer if they are the employee whose data is being requested.
  3. If the computer network data of the County Attorney, or it's employees is being requested, then the Director of Information Technologies shall release the data to the County's outside retained counsel for labor relations for a confidential review of the data for privileged and confidential information which shall be removed or redacted prior to release to the Chairperson for the Board

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of Supervisors to ensure no release of attorney-client communications or other privileged work product.

F) Unauthorized access to the County's computer network and data by an employee or agent is strictly prohibited and may result in disciplinary action

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Please read and sign the following statement and return to IT.

"I have received a written copy of Warren County's Computer Usage Policy, effective \_\_\_\_\_, 2022. I fully understand the terms of this policy and agree to abide by them. I realize that the County's security software may record for management use the Internet address of any site that I visit and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive has the potential to be recorded and stored in an archive file for management use. I know that any violation of this policy could lead to disciplinary action or even criminal prosecution under State or Federal criminal law. I understand that any use of County owned, leased or licensed computer equipment and/or software for Internet access constitutes consent to monitoring, recording and inspection of downloaded files and e-mail, as set forth in this policy."

Signed \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Department \_\_\_\_\_

# **ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD**

## **Resolution No. 2 of 2022**

### **Resolution against passage of Conservation Subdivision Design Bill S1145/A4074**

WHEREAS, The Adirondack Park Agency Adopted a Large Subdivision Permit application that incorporated many of the action items in the Conservation Subdivision Design Bill, and

WHEREAS, implementation of the Adirondack Park Agency Large Subdivision Permit, is possibly more protective of the Environment than the Conservation Subdivision Design allows for, and

WHEREAS, Conservation Design laws are seldom mandatory, and are a tool to keep open space in urban areas, and

WHEREAS, the State of New York as of March 20, 2018 owned 2,505,802 or 44.6 percent of the Adirondack Park in fee, the State as of November 12 2018 also owns 785,434 acres of Conservation Easements, where development and subdivision rights have been extinguished, and

WHEREAS, this means there are more than 3.3 million acres of a 5.9-million-acre Adirondack Park that will never be developed or subdivided, and

WHEREAS, of the remaining 2.6 million acres of private land, existing development, roads, lakes, rivers, streams, steep slopes, wetlands and high elevations are not suitable for development, and

WHEREAS, the proposed legislation would amend the existing Adirondack Park Agency Act which has been in effect for 50 years, and

WHEREAS, before major Adirondack Park Agency permit application processes are changed, a public hearing process needs to be implemented so that property owners have an opportunity to understand and comment on how this proposed law will affect their property values, and

WHEREAS, this change would require private property owners to incur undue burden to hire external consultants to complete additional ecological assessments that will add significant time to proceed with proposed developments, and

WHEREAS, this proposed law could eliminate the potential for development on certain lands, which could be a "taking" without compensation, current law already protects and regulates these lands by the Adirondack Park Agency, and

WHEREAS, the proposed bill places additional burden on property owners that is not necessary to protect environmental and ecological systems and is not beneficial to the well-being of the Adirondack Park and its residents.

NOW THEREFORE BE IT RESOLVED, that the Adirondack Park Local Government Review Board does not approve of the proposed Bill, and

BE IT FURTHER RESOLVED, that the Adirondack Park Local Government Review Board does hereby call upon the local governments to stand together, individually and through our associations to insist that the Conservation Subdivision Design Bill (S1145/A4074) be withdrawn, and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Kathy Hochul, Senate Majority Stewart-Cousins, Assembly Speaker Heastie, All the Adirondack Legislators, Adirondack Intercounty, the Association of Adirondack Towns & Villages.